

TRISHA TSHUDY	:	UNITED STATES DISTRICT
	:	COURT FOR THE MIDDLE
	:	DISTRICT OF PENNSYLVANIA
	:	
v.	:	4:22-cv-01431
	:	
	:	Honorable Matthew W. Brann
	:	
PENNSYLVANIA STATE UNIVERSITY	:	JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of plaintiff's Motion for Reconsideration of the Court's Order granting the Motion to Dismiss, and any response thereto, it is DECREED that this Order is vacated, with respect to the first cause of action.

BY THE COURT:

Honorable Matthew W. Brann
United States District Court Judge

LAW OFFICES OF WILLIAM C. REIL
BY: WILLIAM C. REIL, ESQUIRE
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TRISHA TSHUDY	:	ATTORNEY FOR PLAINTIFF
762 Palmyra Bellegrove Road	:	UNITED STATES DISTRICT
Annville, PA 17003	:	COURT FOR THE MIDDLE
	:	DISTRICT OF PENNSYLVANIA
	:	
v.	:	
	:	
PENNSYLVANIA STATE UNIVERSITY	:	4:22-cv-01431-MWB
1600 Woodland Road	:	
Abington, PA 19001	:	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S
ORDER GRANTING THE MOTION TO DISMISS THE
FIRST CAUSE OF ACTION OF THE COMPLAINT**

Plaintiff, by her undersigned counsel, respectfully requests the Court to reconsider the Order entered on 11/18/22 in this case and to vacate that Order, with respect to the first cause of action of the complaint.

1. Plaintiff filed a Complaint against Penn State University on 8/21/22 alleging she was a student going into her third year at the Dickinson Law School.
2. The Complaint arose out of violations of plaintiff's due process, abrogation of her rights under the ADA, and First Amendment violations by the Dickinson Law School.
3. The Court issued an Order on 11/18/22 dismissing the Complaint, but allowing plaintiff to file an amended Complaint with regard to the second cause of action, by 11/28/22. Plaintiff did so.
4. A summary of the Complaint is set forth at paragraphs 23-25, inclusive. The Court's Order dismissing the Complaint with respect to the first cause of action (violation of due process) should be vacated for the reasons indicated as follows.
5. The Court has not taken as true, and reviewed in the light most favorable to

plaintiff, her well-pled allegations in the Complaint. The Court has weighed allegations and made impermissible credibility determinations.

6. The Court, in its Opinion on the Motion to Dismiss, has not discussed, or even alluded to, paragraphs 33 and 34 of the Complaint wherein plaintiff states that her paper was illegally submitted to Turnitin, a similarity checker, by defendant without permission. Defendant's action, in itself, is a violation of plaintiff's due process rights and makes the use of Turnitin illegal, and the proceeding by the Law School void, *ab initio*. No discussion by the Court is made of the case citation in paragraph 34 of the Complaint regarding the illegal use of Turnitin by the defendant.

7. The Court, in its Opinion on the Motion to Dismiss, never discusses as a due process violation, the allegation that the rights of plaintiff were violated when the defendant used the results from Turnitin rather than another similarity checker, which action favored the position of the defendant.

8. The illegal tactics by the University remove it from the rubric of a purely academic proceeding.

WHEREFORE, the plaintiff would request that the Court vacate its Order granting dismissal of the first cause of action of the Complaint alleging violation of due process by Penn State University.

Respectfully submitted,
/s/ William C. Reil
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11/28/22

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PLAINTIFF'S MEMORANDUM OF LAW

Plaintiff, through her undersigned counsel, submits the following
Memorandum of Law in support of her Motion for Reconsideration.

The Court has the inherent power to vacate its Orders where the interest of
justice is served. The Court has the power to vacate its Order where such Order does
not conform to the standard for granting a Motion to Dismiss.

Respectfully submitted,
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11/28/22

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached document(s) was served upon all other parties or their counsel of record by:

_____ Regular First Class Mail

_____ Facsimile

_____ Certified Mail

_____ Hand-Delivered

_____ X _____ Electronic Filing

_____ Email

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